



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456



January 03, 2003

**Certified Mail
Return Receipt Requested**

**Letter of Deficiency
No. WMD 03-02**

Gary Poitras
66 Slab City Road
Grafton, NH 03240

Re: SWC 96-55; 66 Slab City Road, Grafton, NH

Dear Mr. Poitras:

On May 8, 1999, May 23, 2002, and September 3, 2002, the Department of Environmental Services, Waste Management Division ("DES") conducted inspections of your property located at 66 Slab City Road, Grafton, NH ("Site"). The purpose of the inspections was to determine your compliance status with RSA 149-M and rules adopted pursuant thereto relative to the proper management of solid waste.

During the May 8, 1999 inspection, DES personnel observed or learned the following:

1. Solid waste consisting of scrap metal (i.e. old water heaters, white goods, scrap fuel tanks etc.) was located at the Site. Mr. Poitras informed DES personnel that he brings in metals from off-site and has metal companies come and pick up the metals. DES personnel advised Mr. Poitras that this activity would require a solid waste permit.
2. During the inspection, DES personnel issued a Report of Initial Complaint Investigation ("RICI") to Gary Poitras instructing him to remove all solid waste, specifically the scrap metal, located at the Site to a permitted solid waste facility, and to cease accepting scrap metals.

On May 17, 1999, DES personnel received from Mr. Poitras copies of disposal receipts for steel, motors, and iron.

During the May 23, 2002 inspection, DES personnel observed solid waste consisting of, but not limited to, scrap metal, toys, propane tanks, machinery, and tire rims.

During the September 3, 2002 inspection, DES personnel observed solid waste consisting of, but not limited to, ferrous and non-ferrous metals, neatly stacked tires, water tanks, aluminum cans, and fiberglass scraps.

On October 7, 2002, DES personnel issued Letter of Deficiency No. WMD 02-039 ("LOD") to Mr. Poitras. The LOD was sent via certified mail to Mr. Poitras and was returned to DES unclaimed.

This letter serves to inform you that the above referenced Site conditions constitute violations of RSA 149-M, specifically:

RSA 149-M:9, Operating an unpermitted solid waste facility

RSA 149-M:9, II Transporting solid waste to an unpermitted solid waste facility

DES believes that the cited deficiencies can be corrected by completing the following requested remedial actions within the time indicated:

Immediately cease operating an unpermitted solid waste facility

Immediately cease transporting solid waste to an unpermitted solid waste facility

3. Remove all solid waste at the Site, specifically scrap metal, white goods, fiberglass, aluminum cans, and plastics, by **April 15, 2003**, to a solid waste facility permitted to handle such wastes.

4. By **April 22, 2003**, submit to DES written confirmation that these steps have been completed, including **copies of all disposal receipts** for the solid waste, at the address below.

Please address all correspondence and reports regarding this matter to:

Michael Galuszka, Waste Management Specialist
Department of Environmental Services
80 Glen Road
Gorham, NH 03581
Fax: (603) 466-5148

In the event compliance is not achieved within the time period indicated above, DES may initiate formal enforcement action against you, including issuing an order requiring the deficiencies to be corrected and/or referring the matter to the New Hampshire Department of Justice for imposition of civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violation(s) noted above.

Your prompt cooperation is appreciated. Please contact Michael Galuszka at (603) 466-5389 if you have any questions or need further assistance.

Sincerely,

 **COPY**

Kenneth W. Marschner
Administrator
Waste Management Programs

Certified Mail RRR#: 7000 1670 0000 0584 3885

CC: DB/Town/File
Philip J. O'Brien, Ph.D., P.G., Director, WMD
Gretchen Rule, DES Legal Unit
Town Clerk, Grafton, NH